

Serial No.: 09/269,771

the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed July 18, 2001, the specification stands objected to as containing new matter. More specifically, the Office Action states that the list of hot melt adhesives added to the specification in response to the Examiner's request to include the generic names of the trademarks used in the original specification includes more examples than were disclosed by the trademarks in the original specification. That is, the Examiner states that the originally filed specification does not appear to disclose the use of polyamides, EVA polymers, polyurethane polymers, or "other adhesives". This section of the application has been amended to specifically recite only the generic names of each of the trademarks listed in the original specification. However, applicant respectfully submits that these trademarks are listed as examples and that the invention is not limited to these specific examples of thermoplastic adhesives. That is, any thermoplastic adhesives may be used according to the present invention. In view of the above amendments and remarks, it is respectfully requested that the objection to the specification now be withdrawn.

Claims 7-10 and 12 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter not disclosed in the specification in such a way as to reasonably convey to those skilled in the art that the inventor had possession of the claimed invention at the time the application was filed. More specifically, the Examiner rejects the claims for the following reasons: (1) the originally filed specification does not disclose a "woven" fabric, (2) the specification does not teach what amounts and viscosities of an adhesive will prevent the adhesive from penetrating the fabric, and (3) the specification does not teach the structure of the fabric that resists penetration by an adhesive.

Regarding the first reason, the Examiner states that the mere presence of the term is not enough to overcome the new matter rejection and that the applicant is required to submit a certified translation of the international phase application so that the context in which this phrase is used may be determined. It is respectfully submitted that a certified translation of the international phase application was filed with the original application papers.

The general rule for correcting a translation error is that the correction is not considered new matter if the error can be detected and corrected by one of ordinary skill in the art. The originally filed application states that "the invention relates to a glass fiber fabric wallpaper". The term "glass fiber fabric wallpaper" was translated from the German term "Glasfasergewebetapete" which appears throughout the specification. The translation does not expressly state that the term means a "glass fiber woven fabric wallpaper". However, the original application also states that the adhesive adheres only in dots at the raised points on the fabric. Furthermore, two certified translations of the definition of the word "gewebe" are attached hereto as they appear in German technical dictionaries "Römpp Chemie Lexicon" (Attachment 1) and Brockhaus, Naturwissenschaften und Technik" (Attachment 2). These definitions clearly define the term "gewebe" as a woven fabric. Accordingly, it is respectfully submitted that those skilled in the art would know (1) that the term in the original specification "glass fiber fabric wallpaper" includes fibers that are woven to produce the raised points and (2) that the raised points of a fabric occur where the strands of the fabric cross.

Regarding the second reason that the claims are rejected under 35 U.S.C. §112, first paragraph, the Examiner states that the specification lacks a teaching of what amounts and viscosities of an adhesive will prevent the adhesive from penetrating the fabric. The original specification states that "in respect of the amount and degree of fluidization, especially of the melt

adhesive, the application process is designed so that no adhesive penetrates the glass fiber fabric and contaminates the glass fiber fabric wallpaper surface that is to be coated with paint, if desired.”

U.S. Patent practice does not require that the specification teach every detail of the invention to enable the invention. The specification need only explain how to make and use the invention without requiring undue experimentation. (See MPEP §2164.01 and *In re Geerdes*, 180 USPQ 789, 793 (CCPA 1974)). One skilled in that art of wallpaper adhesives would expect variation in the viscosities of the adhesives to affect the penetration of the adhesive in the wallpaper. Therefore, it is respectfully submitted that it is within the skill of one skilled in the art according to the invention to choose a find and appropriate adhesive that fulfills these non-penetration requirements. Further, several appropriate adhesives are mentioned in the specification.

The Examiner also states that the specification is deficient because the does not teach the structure of the fabric. As already discussed above, it is respectfully submitted that those skilled in the art would know that the structure of the fabric comprises woven glass fibers and that those skilled in the art would understand that the prevention of penetration of the adhesive in the glass fiber fabric is due to the combination of the glass fiber fabric and the choice of adhesive which is used in amounts and viscosities such that the adhesive does not penetrate the fabric.

In view of the above amendments and remarks, it is respectfully submitted that the rejection of claims 7-10 and 12 under 35 U.S.C. §112, first paragraph, is now overcome.

Claims 7-10 and 12 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and claim the present invention. In particular, the Examiner states that the “long-term adhesive” in line 8 of claim 7 has insufficient antecedent basis. Claim 7 is amended to recite “permanent adhesive” as suggested by the Examiner. In view of the

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above amendments and remarks, it is respectfully submitted that the rejection of claims 7-10 and 12 under 35 U.S.C. §112, second paragraph, is now overcome.

Claims 7-10 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,985,775 (Deeb). Claim 12 stands rejected under 35 U.S.C. §103 as unpatentable over (Deeb).

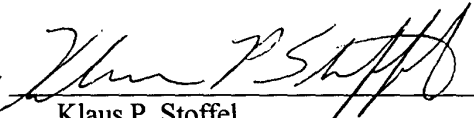
The Examiner has indicated that the rejection could be overcome by including the limitation which states that the adhesive is present only at the raised points of the fabric, i.e., the points at which the woven fabric strands cross over each other. Accordingly, independent claim 7 has been amended to recite "an interrupted layer including a thermoplastic permanent adhesive adhering only to said raised points". Since independent claim 7 now includes allowable subject matter, it is respectfully submitted that independent claim 7 is allowable over Deeb.

Dependent claims 8-10 and 12, being dependent on independent claim 7, are allowable for at least the same reasons that independent claim 7 is allowable.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are currently due. However, if any fees or charges are required at this time in connection with the application, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By 

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Dated: October 18, 2001

AMENDMENTS TO THE SPECIFICATION AND CLAIMS SHOWING CHANGES

In the Specification:

Page 2, please amend the paragraph starting at line 15 as follows:

--According to the present invention, a thermoplastic permanent adhesive is provided on one side of a woven glass fiber fabric wallpaper for holding the wallpaper on a wall substrate. Thermoplastic permanent adhesives are available commercially and are described, for example, in Römpf Chemie-Lexikon, 9th Edition, George Thieme Verlag, Stuttgart, New York, 1995, page 4037. Examples of suitable hot melt adhesives which may be used as the permanent adhesives for the woven glass fabric wall paper are hot melt adhesives including [polyolefin polymers and copolymers, polypropylene polymers and copolymers, polyester polymers and copolymers, polyamide polymers and copolymers, EVA polymers and copolymers, and polyurethane polymers and/or copolymers. Specific examples of hot melt adhesives which may be used are] "HELMITHERM 42034" (based on polypropylene-copolymers) from Forbo-Helmitin GmbH, Pirmasens, "TIVOLMELT 9058/30" (based on polyolefin-copolymers), "TIVOMELT 9041" (based on polyolefin-copolymers) and "TIVOMELT 9162" (based on polyesters) from Tivoli Werke Ag, Hamburg, and "TECHNOMELT Q 5304" (based on polyolefin-copolymers) from Henkel KgaA, Dusseldorf. The ductile pressure-sensitive hot melt adhesives feature particularly long bond times, contain no hazardous ingredients, and are not self-igniting. The permanent adhesive may also undergo post-crosslinking. The permanent adhesive is applied by heat treatment to one side of the glass fiber fabric and after cooling is permanently tacky. Of course other thermoplastic permanent adhesives which exhibit the required characteristics may also be used and the present invention is not limited to the above-listed adhesives.--

In the Claims:

Amend claim 7 as follows:

7. (Amended) A self-adhesive woven glass fiber fabric wallpaper sheet, comprising:
a sheet of woven glass fiber fabric comprising woven strands and having a first side and a second side, at least said first side having raised points where said woven strands cross; and
an interrupted layer including a thermoplastic permanent adhesive adhering only to said raised points of said first side of said sheet of glass fiber fabric for holding said sheet of glass fiber fabric to a wall substrate, wherein an amount and a viscosity of said thermoplastic permanent adhesive are designed for preventing the thermoplastic [long-term] permanent adhesive from penetrating said glass fiber fabric and contaminating said second side of said glass fiber fabric.

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Certificate of Accuracy**TRANSLATION****From German into English**

STATE OF NEW YORK } s.s.:
COUNTY OF NEW YORK

On this day personally appeared before me
who, after being duly sworn, deposes and states: Elisabeth A. Lucas

That he is a translator of the **German** and English languages by profession and
as such connected with the **LAWYERS' & MERCHANTS' TRANSLATION
BUREAU;**

That he is thoroughly conversant with these languages;

That he has carefully made the attached translation from the original document
written in the **German** language; and

That the attached translation is a true and correct English version of such original,
to the best of his knowledge and belief.

**SUBSCRIBED AND SWORN TO BEFORE ME
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OCT 17 2001

Susan Tapley

Susan Tapley
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No. 01TA4999804
Qualified in Queens County
Certificate filed in New York County
and Kings County
Commission Expires July 27, 2002

Elisabeth A. Lucas

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[Part of entry "Gewebe" from RÖMPP CHEMIE LEXIKON chemical dictionary, 9th Edition]

Tissue. 1. *Woven*: Product comprising *Threads (*warp* a. *weft*) which are crossed at right angles and comprise materials such as wool, cotton, synthet. *Fibers etc. or comprise nontextile materials such as, e.g., carbon fibers, metal fibers, glass fibers a. asbestos fibers.

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RÖMPP CHEMIE LEXIKON

9., erweiterte
und neu-
bearbeitete
Auflage

Herausgeber

Prof. Dr. Jürgen Falbe Düsseldorf

und

Prof. Dr. Manfred Regitz Kaiserslautern

Bearbeitet von zahlreichen Fachkollegen

Zentralredaktion:

Dr. Elisabeth Hillen-Maske



Georg Thieme Verlag Stuttgart · New York

Temp., Trübung, Sichttiefe). Bei der biologischen G. (von Fließgewässern) wird der Saprobienindex (s. Saprobienindex) bestimmt, der sich als

$$S = \frac{\sum s \cdot h \cdot g}{\sum h \cdot g}$$

errechnet, wobei s der Saprobienindex der Leitform (1 = oligosaprob bis 4 = polysaprob), h die geschätzte Häufigkeit (1 = Einzelfund bis 7 = massenhaftes Vorkommen) und g das sog. Indikationsgewicht, das den Potenztyp (1 = euryaprob (s. euryök) bis 5 = stenoprob (s. stenoök)) kennzeichnet (s. a. Stetigkeit). Dem Saprobienindex des Gewässers sind (Haupt-) Güteklassen zugeordnet:

$S = 1 - < 1,75$ (oligosaprob, xenosaprob, katharob) = Güteklasse 1,
 $S = 1,75 - < 2,5$ (betamesosaprob) = Güteklasse 2,
 $S = 2,5 - < 3,25$ (alphamesosaprob) = Güteklasse 3,
 $S = 3,25 - 4,0$ (polysaprob) = Güteklasse 4.

Für die G. von Seen werden neben Artenbestand vor allem Sichttiefe, Phytoplanktondichte, Nährstoffangebot und Sauerstoff-Gehalt des Tiefenwassers herangezogen. - E détermination (estimation) of the quality of waters - F détermination de la qualité des eaux - I determinazione qualitativa delle acque - S evaluación de la calidad de las aguas. → Bd. 8

Lit.: Aurand u. Leschber (Hrsg.), Limnologische Beurteilungsgrundlagen der Wassergüte, Stuttgart: G. Fischer 1982 • Raur, Gewässergüte bestimmen und beurteilen, Berlin: Parey 1987 • Beck u. van Straten (Hrsg.), Uncertainty and Forecasting of Water Quality, Berlin-Heidelberg-New York: Springer 1983 • Buck, Ermittlung von Gewässergütedefiziten mit Hilfe leicht identifizierbarer Indikator-Gruppen, München: Hirthammer 1986 • Gerlach, Marine Pollution, Diagnosis and Therapy, Berlin-Heidelberg-New York: Springer 1981 • Landesamt für Wasser u. Abfall Nordrhein-Westfalen (Hrsg.), Fließgewässer: Richtlinien für die Ermittlung der Gewässergüteklassen, Düsseldorf: LWA (1984) • Schriftenreihe der Vereinigung deutscher Gewässerschutz 53, 1-80 (1986) • Schulze u. Zwölfer (Hrsg.), Potentials and Limitations of Ecosystem Analysis, Berlin-Heidelberg-New York: Springer 1987 • Schwerbel, Methoden der Hydrobiologie - Süßwasserbiologie, Stuttgart: G. Fischer 1986 • Wasser, Abwasser 26, 1-175 (1983) • Wegl, Das Leben im Abwasser, München: Hirthammer 1985.

Gewässerkunde (Hydrologie) s. Gewässer, Meereswasser u. Wasser.

Gewässerschutz. Bez. für Maßnahmen zur Reinhaltung der Gewässer, deren Verschmutzung eine Erschwerung der Trinkwassergewinnung u. der Wasserversorgung von Gewerbe, Industrie u. Landwirtschaft bedeuten kann. Die *Gewässerbelastung erfolgt v. a. durch *Abwasser u. *Abfall, aber a. durch intensives Düngen (Nitrat-Anreicherung im *Grundwasser, s. a. Gülle, Eutrophierung). Der G. zielt darauf ab, die Belastungen der Gewässer so gering zu halten, daß ihre Selbstreinigungskraft (s. biologische Selbstreinigung, abiotisch) nicht behindert od. überschritten wird. (s. a. Gewässerbelastung, Gütebestimmung, Abwasserbehandlung). - E protection of waters, water pollution control - F protection des eaux, protection contre la pollution des eaux - I protezione delle acque - S protección de las aguas. → Bd. 8.

Lit.: Gewässerschutz. Abwasser, Grenzwerte, Biologie, Maßnahmen; Stuttgart: Fischer 1984 • Klee, Angewandte Hydrobiologie Trinkwasser, Abwasser, Gewässerschutz; Stuttgart: Thieme Verl. 1985 • Limnologie für die Praxis. Grundlagen des Gewässerschutzes; Landsberg: Ecomed Verlagsgesellschaft 1985.

Gewässerschutzbeauftragter. Benutzer von Gewässern, die an einem Tag mehr als 750 Kubikmeter Abwasser einleiten dürfen, haben einen od. mehrere Betriebsbeauftragte für *Gewässerschutz (Gewässerschutzbeauftragte) zu bestellen, s. Wasserhaushaltsgesetz. Der G. ist berechtigt u. verpflichtet:

1. die Einhaltung von Vorschriften, Bedingungen u. Auflagen im Interesse des Gewässerschutzes zu überwachen, insbesondere durch regelmäßige Kontrolle der Abwasseranlagen im Hinblick auf die Funktionsfähigkeit, den ordnungsgemäßen Betrieb sowie die Wartung, durch Messungen des Abwassers nach Menge u. Eigenschaften, durch Aufzeichnungen der Kontroll- u. Meßergebnisse; er hat dem Benutzer festgestellte Mängel mitzuteilen u. Maßnahmen zu ihrer Beseitigung vorzuschlagen.
 2. auf die Anwendung geeigneter Abwasserbehandlungsverfahren einschließlich der Verfahren zur ordnungsgemäßen Verwertung od. Beseitigung der bei der *Abwasserbehandlung entstehenden Reststoffe hinzuwirken.
 3. auf die Entwicklung u. Einführung von a) innerbetrieblichen Verfahren zur Vermeidung od. Verminderung des Abwasseranfalls nach Art u. Menge b) umweltfreundlichen Produktionsverfahren hinzuwirken.
 4. die Betriebsangehörigen über die in dem Betrieb verursachten *Gewässerbelastungen sowie über die Einrichtungen u. Maßnahmen zu ihrer Verhinderung unter Berücksichtigung der wasserrechtlichen Vorschriften aufzuklären. → Bd. 8.
- Lit.: Die Betriebsbeauftragten für Umwelt- und Arbeitsrecht, Köln: Institut für Gewerbliche Wasserwirtschaft 1976 • Gesetz zur Ordnung des Wasserhaushalts (Wasserhaushaltsgesetz - WHG) vom 23.09.1986 (BGBl. I S. 1529, ber. S. 1654) • Rehbinder u. Burghacher, Ein Betriebsbeauftragter für Umweltschutz, Berlin: E. Schmidt 1972.

Gewebe. 1. Textile G.: Erzeugnis aus rechtwinklig gekreuzten *Fäden (Kette u. Schuß) aus Materialien wie Wolle, Baumwolle, synthet. *Fasern usw. od. aus nichttextilen Werkstoffen wie z. B. Kohle-, Metall-, Glas- u. Asbestfasern. Näheres, auch zur Verarbeitung, s. bei Textilien u. a. Textil-Stichwörtern.

2. **Biologische G.:** Größere, abgegrenzte Verbände von mehr od. weniger gleichartig differenzierten *Zellen bei den vielzelligen Organismen. Beisp. für tierische G. sind Muskel-, Nerven, Epithel-, Binde-G. u. Stütz-G. mit Knochen- u. Knorpel-Gewebe. Bei Pflanzen wird zwischen Bildungs-G. (teilungsfähige G. wie Sproß u. Wurzeln) u. Dauergewebe unterschieden. Letzteres gliedert man in das Grund-G. (Parenchym), das dem Stoff- u. Wassertransport dienende Leit-G. (blattwärts leitendes Xylem u. wurzelwärts leitendes Phloem) u. das Festigungs-G. mit lebendem Kollenchym in krautigen Pflanzen u. totem Sklerenchym, z. B. in Samenschalen von Nüssen, in Holz u. Faserpflanzen. Weiter kennt man Embryonal-G., Abschuß-G., Absorptions-G. u. Exkretions-G. Die Lehre von den - im allg. durch *Histologie u. von kultivierbaren - biolog. G. ist die Histochemie, deren Aufgabengereichen Chemie die *Histochemie, deren Aufgabengereichen Chemie die *Cytochemie vielfach über-



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Notary Public, State of New York
No. 01TA4999804
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Commission Expires July 27, 2002

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[Part of entry "Gewebe" from BROCKHAUS science and technology dictionary]

Woven, textile sheet material having at least two thread systems which intercross at right angles and of which the warp runs perpendicularly and the weft runs horizontally (→ Weaving).

BROCKHAUS

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